

E-999/RP-93-729 ORDER ESTABLISHING FILING SCHEDULE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
Marshall Johnson  
Cynthia A. Kitlinski  
Dee Knaak

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of Establishing a  
Schedule for the Resource Plan  
Filings of Cooperative and  
Municipal Utilities Required to  
File Under Laws of Minnesota  
1993, Chapter 356, Section 3

ISSUE DATE: November 16, 1993

DOCKET NO. E-999/RP-93-729

ORDER ESTABLISHING FILING  
SCHEDULE

**PROCEDURAL HISTORY**

Last session the Minnesota Legislature enacted Minn. Stat. § 216B.2422 (Supp. 1993), which expands the number of electric utilities required to file resource plans under the Commission's integrated resource planning rules.<sup>1</sup> The amendment requires electric utilities with generating capacities of at least 100,000 kilowatts and serving at least 10,000 Minnesota retail customers to file plans.

On August 18, 1993 the Commission issued a notice requesting comments on which utilities fall within the new law's requirements and when these utilities should file their plans. Initial comments were due September 20, 1993; reply comments were due September 30. On September 24, 1993 the Commission issued a notice extending the deadline for reply comments due to the number and length of the initial comments.

The following parties filed comments: the Department of Public Service, Minnkota Power Cooperative, Southern Minnesota Municipal Power Agency, Minnesota Municipal Utilities Association, Basin Electric Power Cooperative, Rochester Public Utilities, Western Minnesota Municipal Power Agency, United Power Association, Missouri Basin Municipal Power Agency, and Cooperative Power.

The matter came before the Commission on November 4, 1993.

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<sup>1</sup> Minn. Rules, parts 7843.0100 through 7843.0600.

## FINDINGS AND CONCLUSIONS

The commenting parties agreed, and the Commission finds, that the following utilities are required to file resource plans under Minn. Stat. § 216B.2422 (Supp. 1993): Cooperative Power, United Power Association, Minnkota Power Cooperative, Dairyland Power Cooperative, and Southern Minnesota Municipal Power Agency. Missouri Basin Municipal Power Agency questioned whether it was required to file under the new statute, but promised full voluntary compliance. The Commission sees no need to reach the jurisdictional issue, given this assurance.

Under Minnesota's resource planning rules utilities file biennial resource plans on July 1, with half the affected utilities filing one year and half the next. Minn. Rules, part 7843.0300, subp. 2. The utilities filing comments in this docket indicated preferences for specific filing dates, which the Commission will honor. Some requested filing dates other than July 1, requests the Commission also will honor. The July 1 filing date was set for the convenience of the utilities covered at the time the rules were adopted. To impose that date on utilities for whom it would be inconvenient would be anomalous. The Commission will therefore vary the filing date under Minn. Rules, part 7830.4400, making the following findings: 1. enforcing the July 1 filing date would impose an excessive burden on the affected utilities; 2. varying the filing date will not adversely affect the public or any party's interest; 3. varying the filing date will not conflict with any applicable legal standard.

The resulting filing schedule is as follows. Southern Minnesota Municipal Power Agency will file in November 1993, or soon thereafter, when it receives a comprehensive study of its resource needs currently being conducted by an engineering consultant. Cooperative Power and United Power Association will file joint or individual resource plans by July 1, 1994. Minnkota Power Cooperative and Missouri Basin Municipal Power Agency will file in 1995, at the same time they file integrated resource plans with the Western Area Power Administration. Dairyland Power Cooperative will file on or before July 1, 1995. The Commission notes these dates can be changed on request to accommodate the reasonable needs of filing utilities.

Finally, in reviewing resource plans filed under the new statute, the Commission is to "consider the filing requirements and decisions in any comparable proceedings in another jurisdiction." Minn. Stat. § 216B.2422, subd. 2 (Supp. 1993). The Commission reads this to require procedural flexibility and respect for constraints placed on utilities by other jurisdictions, not as an exemption from substantive legal requirements. Barring explicit Commission authorization, plans filed under the new statute should be in substantial compliance with Minnesota regulatory requirements.

ORDER

1. Utilities filing resource plans under Minn. Stat. § 216B.2422, subd. 2 (Supp. 1993) shall make their filings under the schedule set forth below.
2. Southern Minnesota Municipal Power Administration shall file in November 1993 or as soon thereafter as possible, following completion of the comprehensive resource study now underway.
3. Cooperative Power and United Power Association shall file joint or individual resource plans on or before July 1, 1994.
4. Minnkota Power Cooperative and Missouri Basin Municipal Power Agency shall file in 1995 when they file with the Western Area Power Association.
5. Dairyland Power Cooperative shall file on or before July 1, 1995.
6. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Susan Mackenzie  
Acting Executive Secretary

(S E A L)